

Message Text

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ACTION SCS-05

INFO OCT-01 NEA-10 ISO-00 SCA-01 L-03 /020 W
-----055117 031312Z /43

R 021445Z SEP 77
FM AMCONSUL TANGIER
TO SECSTATE WASHDC 3736
INFO AMEMBASSY RABAT
AMCONSUL CASABLANCA

UNCLAS TANGIER 0296

E.O. 11652: N/A
TAGS: CDES (CHARLES, RUTH B.)
EUBJ: ESTATE OF RUTH B. CHARLES

REF.: STATE 201355

1. CONOFF IS AWARE OF HIS RESPONSIBILITIES UNDER U.S. LAW TO ACT AS PROVISIONAL CONSERVATOR OF THE ESTATE OF A DECEASED AMCIT. HOWEVER, IN A NOTE DATED AUGUST 5, 1977, RESPONDING TO AN EMBASSY INQUIRY CONCERNING THE EXERCISE OF THOSE RIGHTS UNDER MOROCCAN LAW, THE GOM REPLIED THAT SINCE THE USG RELINGUISHED, ON OCTOBER 6, 1956, CONSULAR JURISDICTION ACCORDED BY THE 1836 TREATY OF MEKNES, THE GOM IS RESPONSIBLE, IN ACCORDANCE WITH VIENNA CONSULAR CONVENTION, FOR THE DISPOSITION OF THE ESTATE OF A DECEASED AMCIT. NOTE CONTINUED, WITH REFERENCE TO GOM DECREE OF AUGUST 12, 1913, RELATING TO THE CIVIL RIGHTS OF FOREIGNERS IN MOROCCO THAT LOCAL COURT, THEREFORE, SHOULD RECEIVE A WRITTEN POWER OF ATTORNEY FROM THE NOK OF THE DECEASED APPOINTING THE CONGEN PROVISIONAL CONSERVATOR BEFORE THE EFFECTS OF THE DECEASED COULD BE RELEASED TO THE CUSTODY OF THE CONGEN.

2. BASED ON ABOVE, CONOFF REQUESTED TOMPKINS TO PROVIDE POWER OF ATTORNEY APPOINTING CONGEN PROVISIONAL CONSERVATR. FURTHER INVESTIGATION HOWEVER REVEALS THAT POWER OF ATTORNEY BY UNCLASSIFIED

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ITSELF WILL NOT DELIVER SUFFICIENT AUTHORITY. ACCORDING TO PROCUREUR DE ROI OF TANGIER COURT OF FIRST INSTANCE (SIMILAR TO U.S. DISTRICT ATTORNEY) POWER OF ATTORNEY FROM TOMPKINS WOULD ONLY BE RECOGNIZED AFTER RECEIPT OF LEGAL EVIDENCE (LETTERS TESTAMENTARY) FROM U.S. COURT DESIGNATING TOMPKINS AS HEIR OR EXECUTOR OF AUNT'S WILL. FOR CONSIDERATION BY TANGIER COURT TOMPKINS' LETTERS TESTAMENTARY MUST BE SUBMITTEDCN

FRENCH OR ARABIC LANGUAGE AND NOTARIZED BY MOROCCAN CONSUL IN NEW YORK. POWER OF ATTORNEY, NOTARIZED BY MOROCCAN CONSUL, APPOINTING CONGEN PROVISIONAL CONSERVATOR MUST ALSO BE IN FRENCH OR ARABIC. (FYI: PROCEDURES OUTLINED ABOVE, USING LETTERS OF ADMINISTRATION FROM U.S. COURT, SHOULD ALSO BE FOLLOWED IN INTESTATE DEATH. SINCE UNDER MOROCCAN LAW THE DISPOSITION OF THE ESTATE OF A DECEASED FOREIGNER IS IN ACCORDANCE WITH THE LAWS OF THE DECEASED'S COUNTRY OF NATIONALITY, LETTERS OF ADMINISTRATION OR LETTERS TESTAMENTARY, ISSUED BY A U.S. COURT AND SUBMITTED AS DESCRIBED ABOVE, WOULD BE CONSIDERED OPERABLE EVEN IF THE NOK OF THE DECEASED IS RESIDENT IN MOROCCO. END FYI.)

3. LOCAL PROBATE OR ADJUDICATION OF INTESTATE CASES IS ALSO POSSIBLE. HOWEVER, LOCAL COURT MUST FIRST RECEIVE CERTIFIED LEGAL INTERPRETATIONS OF ESTATE AND INHERITANCE LAWS OF THE U.S. STATE THAT WOULD HAVE HAD JURISDICTION IF THE ESTATE HAD BEEN ADJUDICATED IN THE U.S.

4. WHEN THERE IS NO WILL AND NOK ARE UNKNOWN OR WHEN NOK OR EXECUTOR DO NOT WISH TO PROBATE WILL, LOCAL COURT PAYS LEGALLY ADMITTED DEBTS OF DECEDENT FROM THE RESOURCES OF THE ESTATE. FOLLOWING SETTLEMENT OF DEBTS AND BURIAL EXPENSES BALANCE OF ESTATE, IF ANY, BECOMES THE PROPERTY OF THE GOM.

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5. IN TELECON OF AUGUST 25, 1977, TOMPKINS PROMISED TO SEND POWER OF ATTORNEY APPOINTING CONGEN PROVISIONAL CONSERVATOR. HE ALSO PROMISED TO SEND NOTARIZED INSTRUCTIONS CONCERNING DISPOSAL OF ESTATE FOR CONGEN TO IMPLEMENT UPON ISSUANCE LETTERS TESTAMENTARY. HOWEVER, IN VIEW OF TOMPKINS' DISINTEREST IN HIS AUNT'S ESTATE AND THE COMPLICATIONS OF U.S. OR LOCAL PROBATE, HE MAY NOW WISH TO LEAVE SETTLEMENT OF ESTATE TO GOM. PLEASE ASK HIM TO INFORM US OF HIS INTENTIONS AS SOON AS POSSIBLE.

6. IN LETTER DATED AUGUST 23, 1977, TOMPKINS WAS INFORMED THAT CONOFF HAD IN HIS CUSTODY SEVERAL ITEMS OF HIS AUNT'S EFFECTS, INCLUDING AN INTERNATIONAL MONEY ORDER FOR DOLS 500. PLEASE INFORM TOMPKINS THAT MONEY ORDER, NUMBER 5761, WAS ISSUED BY RIGGS NATIONAL BANK, WASHDC, ON AUGUST 10, 1977. HOWEVER, AS ANTICIPATED IN OUR LETTER, LOCAL AUTHORITIES INSTRUCTED CONOFF TO RELEASE MONEY ORDER AND OTHER ITEMS TO CUSTODY OF COURT. THIS WAS DONE, WITH EMBASSY CONCURRENCE, ON AUGUST 29, 1977. ALSO INFORM TOMPKINS THAT MRS. CHARLES WAS BURIED AUGUST 31, 1977, WITH CATHOLIC SERVICES. FOREIGN SERVICE REPORT OF DEATH AND ACCOUNTING OF FUNDS DEPOSITED WITH SCS BEING FORWARDED.

7. STATUS OF 1836 TREATY OF MEKNES AND U.S. CONSULAR
JURISDICTION IN MOROCCO WILL BE ADDRESSED IN SEPTTEL BY
EMBASSY. DITTMER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
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Disposition Comment:
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Disposition Event:
Disposition History: n/a
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770320-0258
Format: TEL
From: TANGIER
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t197709100/aaaadgnq.tel
Line Count: 119
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8576ff38-c288-dd11-92da-001cc4696bcc
Office: ACTION SCS
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 STATE 201355
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 15-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1062584
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: CDES, (CHARLES, RUTH B)
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/8576ff38-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009